

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LISA MABARY, individually and on behalf of
others similarly situated,

Plaintiff,

v.

HOMETOWN BANK, N.A.,

Defendant.

CIVIL ACTION NO. 4:10-cv-3936

Filed Electronically

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff files this Notice of Supplemental Authority to apprise the Court of a recent decision by The Honorable David C. Godbey in the Northern District of Texas bearing directly on the issues raised in Plaintiff's Motion to Certify or Recertify Class and Defendant's opposition thereto. Specifically, Judge Godbey rejected every argument asserted by Defendant, here, and certified a class seeking statutory damages under the Electronic Funds Transfer Act, 15 U.S.C. § 1693 et seq. See Order and Opinion Denying Motion to Dismiss and Granting Motion to Certify Class in *Frey v. First National Bank Southwest*, Case No. 3:11-cv-3093 (N.D.Tex. Feb. 20, 2013) (Godbey, J.) attached hereto as Exhibit 1.

Respectfully submitted,

/s/ R. Bruce Carlson

R. Bruce Carlson (PA56657)

CARLSON LYNCH LTD

PNC Park

115 Federal Plaza, Suite 210

Pittsburgh, PA 15212

www.carlsonlynch.com

(p) 412 322-9243

Emil Lippe, Jr.
TX State Bar No. 12398300
emil@texaslaw.com
LIPPE & ASSOCIATES
600 N. Pearl Street, Suite S2460
South Tower, Plaza of the Americas
Dallas, Texas 75201
(p) 214.855.1850

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2013, a true and correct copy of Plaintiff's Notice of Supplemental Authority was served upon all counsel of record via the Court's electronic filing system.

/s/ R. Bruce Carlson